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***UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA***

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID SALGADO,

Defendant.

2:14-cr-221-GMN-GWF

MOTION TO CONTINUE
EVIDENTIARY HEARING ON
DEFENDANT'S MOTIO TO
SUPPRESS EVIDENCE

The United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and Amber M. Craig, Assistant United States Attorney, respectfully moves this Court to continue the evidentiary hearing on Defendant's Motion to Suppress Evidence, currently scheduled for January 4, 2016, at 1:30 p.m., for two weeks or to a date convenient to the Court.

This motion is submitted for the following reasons:

1. Government counsel was informed today, December 31, 2015, that the Government's primary witness, FBI Special Agent Andrew Attridge, will be at Quantico next week.
2. For the reasons stated above, the ends of justice would best be served by a continuance of the evidentiary hearing.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice.
4. The additional time requested by this motion is excludable in computing the time

1 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
2 States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United
3 States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

4 5. This is the first request for a continuance of the filing deadline for trial documents.

5 DATED this 31st day of December, 2015.

6 Respectfully Submitted,

7 DANIEL G. BOGDEN
8 United States Attorney

9 /s/ Amber M. Craig
10 AMBER M. CRAIG
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,

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**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based upon the Government's unopposed motion, and good cause appearing therefore, the Court finds that:

1. Government counsel was informed today, December 31, 2015, that the Government's primary witness, FBI Special Agent Andrew Attridge, will be at Quantico next week.
2. For the reasons stated above, the ends of justice would best be served by a continuance of the evidentiary hearing.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice.
4. The additional time requested is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity


1 within which to be able to effectively and thoroughly prepare for trial, taking into account the
2 exercise of due diligence.

3 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
4 States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

5 **ORDER**

6 IT IS THEREFORE ORDERED that the evidentiary hearing on Defendant's Motion to
7 Suppress Evidence, currently scheduled for January 4, 2016, at 1:30 p.m., be vacated and continued
8 to the 8th day of February, 2016, at 9:30 a.m..

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10 DATED this 31st day of December, 2015.

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13 GEORGE FOLEY, JR.
14 United States Magistrate Judge
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